U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23556

DD O		CELLOCATION INFORMATION.	
	JECT : State:	CT LOCATION INFORMATION: e: Texas	
	County:		
	-		1" W 97 05' 10.41"
Î	Approx	proximate size of area (parcel) reviewed, including uplands: 31.5	
ì	Name o	ne of nearest waterway: Corpus Christi Bay	
		ne of watershed: Corpus Christi Bay	
		TOTAL OF THE PARTY	
-		ICTIONAL DETERMINATION nnleted: Desktop determination	
,	ompi		,
		Site visit(s) Date(s):	
J	lurisdi	isdictional Determination (JD):	
I	Pr	Preliminary JD - Based on available information, there appears	ar to be (or) there appear to be no "waters of the
•	Ur	United States" and/or "navigable waters of the United States" on	the project site. A preliminary JD is not appealable
	(R	(Reference 33 CFR part 331).	·
,	57 A.	Approved JD – An approved JD is an appealable action (Referer	ice 33 CED part 331)
ı		Check all that apply:	ice 33 Cr R pair 331).
	Ci	Check an that appry.	
		There are "navigable waters of the United States" (as defined	by 33 CFR part 329 and associated guidance) within
	the	the reviewed area. Approximate size of jurisdictional area:	.85 Acres.
		There are "waters of the United States" (as defined by 33 Cl	ZD port 228 and associated guidance) within the
		reviewed area. Approximate size of jurisdictional area:	R part 328 and associated guidance) within the
	10	Teviewed area. Approximate size of jurisdictional area.	
		There are "isolated, non-navigable, intra-state waters or wet	lands" within the reviewed area.
	: ********		Bird Rule Information Sheet for Determination of No
		Jurisdiction.	
DACI	C OF	DE HIDIODICTIONAL DETERMINATION.	
	15 OF , A. W	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters	of the United States":
	Th	The presence of waters that are subject to the ebb and flow of the	tide and/or are presently used, or have been used in
3	the	the past, or may be susceptible for use to transport interstate or for	oreign commerce.
]	B. W	Waters defined under 33 CFR part 328.3(a) as "waters of the	e United States":
	(1)	(1) The presence of waters, which are currently used, or were use	ed in the past, or may be susceptible to use in
1	int	interstate or foreign commerce, including all waters which are su	of the ebb and flow of the tide.
	(2)	(2) The presence of interstate waters including interstate wetland (3) The presence of other waters such as intrastate lakes, rivers,	s . streams (including intermittent streams), mudflats
1		sandflats, wetlands, sloughs, prairie potholes, wet meadows, play	va lakes, or natural ponds, the use, degradation or
	sa de	destruction of which could affect interstate commerce including	any such waters (check all that apply):
		(i) which are or could be used by interstate or foreign travel	ers for recreational or other purposes.
	F	(ii) from which fish or shellfish are or could be taken and so	
		(iii) which are or could be used for industrial purposes by ir	dustries in interstate commerce.
1		(4) Impoundments of waters otherwise defined as waters of the U	JS.
		(5) The presence of a tributary to a water identified in $(1) - (4)$ a	bove.
	(6	(6) The presence of territorial seas.	argant for those watlands adjacent to other watlands
l	(7	(7) The presence of wetlands adjacent ² to other waters of the US	, except for mose wettands adjacent to other wettands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23556 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) M High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank il oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Aransas, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Aransas, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Texas General Land Office/ 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23557 PROJECT LOCATION INFORMATION: State: Texas County: Nueces N 27 37' 51.3478" W 97 17' 17.8522" Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.68 acres. Name of nearest waterway: Laguna Madre Laguna Madre Name of watershed: JURISDICTIONAL DETERMINATION Date: 9/21/04 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,

interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 23557 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. , prepared by (company): , prepared by (company):

Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Oso Creek NE U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Oso Creek NE State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Texas General Land Office/ 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

shelving other:

United States:

Basis For Not Asserting Jurisdiction:

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston **FILE NUMBER:** D-12366

FILEIN	JVIDER. D-1	2500		
State Cou Cen App Nan	e: Tex nty: San ter coordinates roximate size	n Patricio s of site (latitude/longitt of area (parcel) reviewe vaterway: Copano Bay	ude): ed, includin	Lat 27 49 49.2362, Lon 97 13 41.4968 g uplands: <u>0.018</u> acre.
	npleted: Des	DETERMINATION sktop determination e visit(s)		Date: 24 Sep 04 Date(s):
Inc	isdictional De	termination (JD):		
	Preliminary J United States	D - Based on available	information ters of the U	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD Check all tha		n appealabl	e action (Reference 33 CFR part 331).
		"navigable waters of the area. Approximate size		tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area: 0.017 ac.
		"waters of the United Sa. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area: 0.017 ac.
	There are	"isolated, non-navigal Decision suppor Jurisdiction.	ole, intra-st ted by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (A.	Waters define The presence	of waters that are subje	t 329 as "nect to the eb	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B. ⊠	(1) The prese interstate or f (2) The prese (3) The prese sandflats, we destruction o (i) which (ii) from	ence of waters, which are foreign commerce, includence of interstate waters ence of other waters suctlands, sloughs, prairie of which could affect into the are or could be used by which fish or shellfish	e currently ading all ware including in h as intrastate come y interstate are or coul	ate lakes, rivers, streams (including intermittent streams), mudflats, vet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce.
	(4) Impounds (5) The prese	ments of waters otherwich ence of a tributary to a vence of territorial seas.	se defined vater identi	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-12366

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other:
Ø	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

U.S. Army Corps of Engineers

FILE NUMBER: D-15433(01) PROJECT LOCATION INFORMATION: State: TXCounty: Nueces 27-49-41/97-03-57 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 5.56 acres. Name of nearest waterway: Corpus Christi Sip Channel Name of watershed: Corpus Christi Bay JURISDICTIONAL DETERMINATION Date: 23 September 2004 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 2.24 acres. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent 2 to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Continuous wetlands to Corpus Christi Ship Channel and Corpus Christi Bay; lanscape position.

FILE NUMBER: D-15433(01) High Tide Line indicated by:

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: light Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: ERIS
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial takes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2002 DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: D-15946

PRO	JE	CT LOCA	TION I	NFORMATION:			
	Stat		Texas				
		inty:	Harris		1 \		
	Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 125 acres.						
		ne of near			i, meraamg	g uprairus. 123 acres.	
		ne of wate		Armand Bayou			
				ERMINATION	K-21	D-4 00/15/2004	
	Cor	npietea:	_	determination	⊠ ⊠	Date: 09/15/2004	
			Site vis	u(s)	IXI	Date(s): 09/15/2004	
	Jur	isdictiona	l Detern	nination (JD):			
		United S	tates" an	Based on available in d/or "navigable wate R part 331).	formation, rs of the U	, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable	
	\boxtimes	Approve Check al			appealable	action (Reference 33 CFR part 331).	
				vigable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:	
				ters of the United Sta pproximate size of ju		efined by 33 CFR part 328 and associated guidance) within the larea:	
		⊠ There	are "iso			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.	
BASI	S C	F JURIS	DICTIO	NAL DETERMINA	ATION:		
4	4.	Waters d	lefined u	nder 33 CFR part 3	329 as "na	vigable waters of the United States":	
]					and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.	
1	В.	Waters d	lefined u	nder 33 CFR part 3	328.3(a) as	"waters of the United States":	
[interstate	or foreig	n commerce, includi	ng all wate	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.	
Į	4			of interstate waters in		terstate wetlands. e lakes, rivers, streams (including intermittent streams), mudflats,	
£						meadows, playa lakes, or natural ponds, the use, degradation or	
		destruction	on of whi	ch could affect inters	state comm	herce including any such waters (check all that apply):	
		(i) w	hich are	or could be used by i	nterstate o	r foreign travelers for recreational or other purposes.	
						be taken and sold in interstate or foreign commerce.	
r						purposes by industries in interstate commerce.	
2	\exists			s of waters otherwise of a tributary to a wat			
ľ	Ħ			of territorial seas.	or radiitiire	M III (1) (1) above.	
Ì	$\overline{\mathbb{X}}$				to other w	aters of the US, except for those wetlands adjacent to other wetlands.	
v (vate vate i.e., iffec	r or wetla rs. If B(1) discuss si et interstat	nd is not) or B(3) ite condit e or fore	itself a navigable we is used as the Basis of ions, including why t ign commerce). If B(.	ater of the of Jurisdic the waterbo 2, 4, 5 or 6	tion (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable tion, document navigability and/or interstate commerce connection ody is navigable and/or how the destruction of the waterbody could i) is used as the Basis of Jurisdiction, document the rationale used to	
n	nake	e the deter	mination	i. If $\mathcal{B}(/)$ is used as th	ie Basis of	Jurisdiction, document the rationale used to make adjacency	

determination:
The .03 acre wetland lies within the 100-year floodplain of Armand Bayou

FILE NUMBER: D-15946

	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
A []	Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Vetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	For Not Asserting Jurisdiction: the reviewed area consists entirely of uplands. Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Ideadquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Iaps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ata sheets prepared by the Corps. orps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: S. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: SDA Natural Resources Conservation Service Soil Survey: ational wetlands inventory maps: attac/Local wetland inventory maps:
10 A 0 A Si A	EMA/FIRM maps (Map Name & Date): 00-year Floodplain Elevation is: (NGVD) erial Photographs (Name & Date): January, 1995 ther photographs (Date): dvanced Identification Wetland maps: te visit/determination conducted on: 09/15/2004 pplicable/supporting case law: ther information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC FILE NU	CT OFFICE: JMBER:	Galveston D-16334			
State Cou Cen App Nan	nty: Harris ter coordinates of sit	te (latitude/longitude): a (parcel) reviewed, includi	29° 57' ng uplands: _	22"N, 95° 30' 32"W _N/A acres.	
	ICTIONAL DETE npleted: Desktop of Site visitors	determination 🛛	Date: Date(s):	9/23/04	
Juri	sdictional Determi	nation (JD):			
	Preliminary JD - Barrell United States" and/ (Reference 33 CFR	or "navigable waters of the	on, [] there ap United States	ppear to be (or) there appear to be no "wa" on the project site. A preliminary JD is not a	ters of the appealable
X	Approved JD – An Check all that apply	approved JD is an appealab y:	ole action (Ref	ference 33 CFR part 331).	
		gable waters of the United S Approximate size of jurisdi		fined by 33 CFR part 329 and associated guida	nce) within
		ers of the United States" (as proximate size of jurisdiction		3 CFR part 328 and associated guidance) with	in the
	☑ There are "isolo ☑			wetlands" within the reviewed area. tory Bird Rule Information Sheet for Determine	nation of No
Α.	Waters defined ur The presence of wa	NAL DETERMINATION: nder 33 CFR part 329 as "n ters that are subject to the el susceptible for use to transp	navigable was bb and flow of	ters of the United States": f the tide and/or are presently used, or have be or foreign commerce.	en used in
B.	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which (i) which are (ii) from which (iii) which are (4) Impoundments	n commerce, including all was finterstate waters including of other waters such as intrast, sloughs, prairie potholes, was could affect interstate control could be used by interstate has fish or shellfish are or could be used for industration of waters otherwise defined fatributary to a water ident	y used, or were vaters which ar interstate wet tate lakes, rive wet meadows, mmerce includ e or foreign tra tld be taken an rial purposes b l as waters of t	e used in the past, or may be susceptible to use re subject to the ebb and flow of the tide. clands l. ers, streams (including intermittent streams), me playa lakes, or natural ponds, the use, degradating any such waters (check all that apply): avelers for recreational or other purposes and sold in interstate or foreign commerce, by industries in interstate commerce.	nudflats,
I	(7) The presence of	f wetlands adjacent ² to other	r waters of the	e US, except for those wetlands adjacent to oth	er wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The area is located outside the 100-yr floodplain according to the FEMA Floodplain map and has no hydrological connection to a water of the United States.

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: in scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1; 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 95 Color IR Other photographs (Date): Site photos taken by applicant Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	ICT OFFICE: UMBER:	Galveston D-16399					
Sta Cor Cer Ap Na	unty: Harris nter coordinates of sit	te (latitude/longitude) a (parcel) reviewed, i): ncluding		20"N, 95° 2 N/A acres		
	mpleted: Desktop Site visit	determination	⊠ □	Date: Date(s):	9/22/04		
Ju	risdictional Determi	nation (JD):					
Ø	Preliminary JD - B United States" and (Reference 33 CFR	or "navigable waters"	ormation, of the U	, ⊠ <i>there ap</i> Inited States'	ppear to be (or) on the project	☐ <i>there appear</i> site. A prelimina	to be no "waters of the ary JD is not appealable
	Approved JD – An Check all that appl	approved JD is an ap y:	pealable	action (Refe	erence 33 CFR p	part 331).	
	There are "navithe reviewed area.	igable waters of the U Approximate size of	Jnited Sta jurisdict	ates" (as defi ional area:	ned by 33 CFR	part 329 and ass	sociated guidance) within
		ers of the United State proximate size of juri				and associated gu	uidance) within the
	There are "isol	lated, non-navigable, Decision supported Jurisdiction.	<i>intra-sta</i> by SWA	ate waters or NCC/Migrat	wetlands" withi ory Bird Rule I	n the reviewed a nformation Sheet	rea. t for Determination of No
BASIS A.	Waters defined up The presence of wa	NAL DETERMINA' nder 33 CFR part 32 aters that are subject to e susceptible for use to	29 as "na o the ebb	and flow of	the tide and/or	are presently use	ed, or have been used in
B.	(1) The presence o interstate or foreign(2) The presence o	nder 33 CFR part 32 f waters, which are cun commerce, includin f interstate waters inc	arrently u ag all wat cluding in	used, or were ters which ar nterstate wet	used in the pase subject to the ands ¹ .	t, or may be suscebb and flow of	the tide.
	(3) The presence o sandflats, wetlands destruction of which are (i) which are (ii) from which (iii) which are (4) Impoundments (5) The presence of (6) The presence of	f other waters such as s, sloughs, prairie poth could affect interst or could be used by in the fish or shellfish are to could be used for of waters otherwise of a tributary to a water of territorial seas.	s intrastat holes, we ate comm nterstate of or could industriate defined a er identifi	te lakes, rive et meadows, merce includ or foreign tra I be taken an al purposes b as waters of t ied in (1) – (rs, streams (incl playa lakes, or r ing any such wa welers for recreat d sold in intersta y industries in in the US. 4) above.	natural ponds, the tters (check all the ational or other p ate or foreign con nterstate commen	nat apply): ourposes. mmerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency

determination: Preliminary determination as no specific site locations are available.

	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRIC FILE NU	CT OFFICE: JMBER:	Galveston D-16434
State Cou Cent App Nam	nty: Harris ter coordinates of sit	te (latitude/longitude): 30° 00' 02"N, 95° 10' 56"W a (parcel) reviewed, including uplands:45 acres.
-	ICTIONAL DETE npleted: Desktop of Site visitor	determination Date: 9/22/04
Juri	sdictional Determi	nation (JD):
	Preliminary JD - Ba United States" and/ (Reference 33 CFR	ased on available information, \square there appear to be (or) \square there appear to be no "waters of the for "navigable waters of the United States" on the project site. A preliminary JD is not appealable a part 331).
×	Approved JD – An Check all that apply	approved JD is an appealable action (Reference 33 CFR part 331). y:
		gable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within Approximate size of jurisdictional area:
		ers of the United States" (as defined by 33 CFR part 328 and associated guidance) within the proximate size of jurisdictional area:
	☑ There are "isolo ☑	ated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	Waters defined un The presence of wa	NAL DETERMINATION: nder 33 CFR part 329 as "navigable waters of the United States": ters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in susceptible for use to transport interstate or foreign commerce.
э В.	(1) The presence of	nder 33 CFR part 328.3(a) as "waters of the United States": f waters, which are currently used, or were used in the past, or may be susceptible to use in a commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of (3) The presence of sandflats, wetlands destruction of which is (i) which are of	f interstate waters including interstate wetlands ¹ . f other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, , sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or the could affect interstate commerce including any such waters (check all that apply): or could be used by interstate or foreign travelers for recreational or other purposes. the fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(4) Impoundments (5) The presence of (6) The presence of	or could be used for industrial purposes by industries in interstate commerce. of waters otherwise defined as waters of the US. f a tributary to a water identified in $(1) - (4)$ above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The area is located outside the 100-yr floodplain according to the FEMA Floodplain map and has no evidence of a hydrological connection to a water of the United States.

	ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas M M N	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-16467 PROJECT LOCATION INFORMATION: State: TX **HARRIS** County: Center coordinates of site (latitude/longitude): 29° 58.37'N, 95° 42.59'W (NAD27 Approximate size of area (parcel) reviewed, including uplands: 240- acres. Name of nearest waterway: Cypress creek Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination \boxtimes Date: 9-21-04 Site visit(s) П Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\int \) there appear to be (or) \(\int \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or

destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16467

	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Phase One Tech Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Histori

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: I-5030 PROJECT LOCATION INFORMATION: State: TX County: **CHAMBERS** Center coordinates of site (latitude/longitude): 29° 37.15′N, 94° 29.19′W (NAD27) Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway: ONION BAYOU Name of watershed: JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: Site visit(s) 図 Date(s): 09-16-04 Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq there appear to be \) (or) \(\subseteq there appear to be no "waters of the limit the limit the limit the limit there appear to be no "waters of the limit United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: WETLANDS THAT ARE ADJACENT TO ONION BAYOU, A WATER OF THE U.S.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

[12] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

Las	toral Entant of Invitalistics (D.C. 22 CED. 220 I	FILE NUMBER: 1-50
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegeta	ation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delinear	on map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a) Headquarters declined to approve jurisdiction on the basis of 33 The Corps has made a case-specific determination that the follo United States: Waste treatment systems, including treatment ponds or I Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such pur rice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and u abandoned and the resulting body of water meets the def 328.3(a). Isolated, intrastate wetland with no nexus to interstate co Prior converted cropland, as determined by the Natural R	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and poses as stock watering, irrigation, settling basins, or mamental bodies of water created orimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is anition of waters of the United States found at 33 CFR mmerce. esources Conservation Service. Explain rationale:
	This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 & 1979 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:	nark all that apply): ant. prepared by (company):
	Advanced Identification Wetland maps:	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-15931

PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29° 17′ 03″N, 94° 52′ 26″W

Approximate size of area (parcel) reviewed, including uplands: 17.5 acres.

Name of nearest waterway: Galveston Bay and Offatts Bayou

Name of watershed: Galveston Bay

HIRISD	ICTIONAL	DETERMI	NATIO

Completed: Desktop determination Date: 14 September 2004

Site visit(s) Date(s): 4 May 2004 and 15 July 2004

Inrisdictional	Determination	(JD)):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N-Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
П	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudi

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands located north of Upland 1 are not navigable but are adjacent because they are contiguous with Galveston Bay, a navigable water of the United States subject to the ebb and flow of the daily tide. Therefore, these wetlands are only subject to Section 404 of the Clean Water Act (Section 404). Section 404 regulates the discharge of dredged or fill material into waters of the United States including adjacent wetlands. The wetlands south of Upland 1 are adjacent because they are contiguous with Offatts Bayou, a navigable water of the United States subject to the ebb and flow of the daily tide. Some of these adjacent wetlands are subject to the ebb and flow of the daily tide and are therefore navigable. As such, these adjacent wetlands are subject to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) as well as Section 404. Section 10 regulates work and/or structures in navigable waters and/or waters that are subject to the ebb and flow of the daily tide.

FILE NUMBER: D-15931

	Peral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: I high Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) Changes in the character of soil Destruction of terrestrial vegetation shelving other: Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages Other:
Ø	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types.
\boxtimes	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Coastal Surveying of Texas
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 7 April 2004, prepared by (company): Andy R. Bouse This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: Galveston State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel 4854690021E 6 December 2002 100-year Floodplain Elevation is: 12 (NGVD) Aerial Photographs (Name & Date): Galveston DOQQ - 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 4 May 2004 and 15 July 2004 Applicable/supporting case law: Other information (please specify): Wetland Survey 16 July 2004

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG FILE NUMBER: D-16194

S	State: Texas	
C A N	County: Brazoria Center coordinates of site (latitude/longitude): 29 31'20" N, 95 14' 39" W (NAD 27) Approximate size of area (parcel) reviewed, including uplands: 60 acres. Name of nearest waterway: Cowart Creek Name of watershed: West Galveston Bay	
	ISDICTIONAL DETERMINATION Completed: Desktop determination	
Jı	Jurisdictional Determination (JD):	
×	Preliminary JD - Based on available information, \(\simeg \) there appear to be (or) \(\subseteq\) there appear to be no "water United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appear to be no "water United States" on the project site. A preliminary JD is not appear to be no "water United States" on the project site. A preliminary JD is not appear to be no "water United States" on the project site. A preliminary JD is not appear to be no "water United States" on the project site. A preliminary JD is not appear to be no "water United States" on the project site.	s of the pealable
•	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance the reviewed area. Approximate size of jurisdictional area:	e) within
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:	the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determinat Jurisdiction.	ion of No
	S OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been the past, or may be susceptible for use to transport interstate or foreign commerce.	used in
B.	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradatio destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.	lflats.
	 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other waters. 	wetlands.
p.	estionals for the Basis of Jurisdictional Determination (applies to any horse shocked above). Website in the	1

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands identified by the consultant are located within the 100 year floodzone of Cowart Creek, a tributary to Clear Creek, a navigable water of the United States. The data reviewed does not indicate there are two barriers of significant height between the wetlands and Cowart Creek.

FILE NUMBER: D-16194

La []	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank
	Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
\boxtimes	Other (explain): EEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1982 Friendswood U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1981 Brazoria County Soil Survey National wetlands inventory maps: 1999 Friendswood State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Brazoria County, Panel 65 of 850, 22 September 1999 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Friendswood DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-16238

PROJECT LOCATION INFORMATION:

State: Texas

County: Fort Bend

Center coordinates of site (latitude/longitude): 256998E 3264555N, zone 15 Approximate size of area (parcel) reviewed, including uplands: 12- acres.

Name of nearest waterway: Oyster Creek Name of watershed: Upper Brazos River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 31 Aug 2004

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _________.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10.66-Acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: This wetland is located within the 100-year floodplain of Oyster Creek and is therefore adjacent to Oyster Creek. Oyster Creek is navigable water of the United States subject to the ebb and flow of the daily tide in its lower reaches.

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: in oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
×	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Benchmark Ecological Services, Inc.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated 9 Jun 2004, prepared by Benchmark Ecological Services, Inc. ☐ This office does not concur with the delineation report, dated 9 Jun 2004, prepared by Benchmark Ecological Services, Inc. ☐ This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Thompsons, TX Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Hi

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16296

PROJECT LOCATION INFORMATION:

State: Texas County: Orange

Center coordinates of site (latitude/longitude): UTM 15 414525E 3340595N Approximate size of area (parcel) reviewed, including uplands: Unknown acres.

Name of nearest waterway: Cow Bayou Name of watershed: Cow Bayou

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

X

Date: 31 August 2004

Date(s):

Jurisdictional Determination (JD):

\boxtimes	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the appear to be no" waters of the or the content of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16296 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Texla U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Texla State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 6 January 1983 Oarange County 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Texla DOQQ

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District FILE NUMBER: D-16448 PROJECT LOCATION INFORMATION: State: Texas County: Galveston Center coordinates of site (latitude/longitude): 299739N 3263803E, zone 15 Approximate size of area (parcel) reviewed, including uplands: 10-acres. Name of nearest waterway: Benson Bayou Name of watershed: Galveston Bay JURISDICTIONAL DETERMINATION **Completed:** Desktop determination Date: 22 Sep 04 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \) If there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [11] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

	Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba S S	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Dickinson, Texas Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Galveston County, League City incorporated Area. Map 30, 22 Sep 1999 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Im 1995 Dickinson, Texas Quad Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Galveston County Key Map

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District

FILE NUMBER: I-4913

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 285344E 3249707N, zone 15 Approximate size of area (parcel) reviewed, including uplands: 5- acres.

Name of nearest waterway: Mustang Bayou

Name of watershed: Upper Brazos

114	ame of watershed. Opper Brazos	
-	SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s)	Date: Date(s): 16 Sep 2004
Jui	urisdictional Determination (JD):	
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the Ur (Reference 33 CFR part 331).	☐ there appear to be (or) ☐ there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
M	Approved JD – An approved JD is an appealable check all that apply:	action (Reference 33 CFR part 331).
	There are "navigable waters of the United Statthe reviewed area. Approximate size of jurisdiction	es" (as defined by 33 CFR part 329 and associated guidance) within onal area:
	There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional	fined by 33 CFR part 328 and associated guidance) within the area:
	There are "isolated, non-navigable, intra-state Decision supported by SWAN Jurisdiction.	waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (OF JURISDICTIONAL DETERMINATION:	
A.	Waters defined under 33 CFR part 329 as "nav	and flow of the tide and/or are presently used, or have been used in
B.	 (1) The presence of waters, which are currently us interstate or foreign commerce, including all water (2) The presence of interstate waters including into (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet 	ed, or were used in the past, or may be susceptible to use in s which are subject to the ebb and flow of the tide.
	(i) which are or could be used by interstate or	foreign travelers for recreational or other purposes. e taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Mustang Bayou becomes Persimmon Bayou, which is a tidally influenced navigable water of the United States subject to the ebb flow of the daily tide in its lower reaches.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	In the reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Mustang Bayou, Texas Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 1

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: I- 493/ PROJECT LOCATION INFORMATION: State: Texas County: Harris Center coordinates of site (latitude/longitude): Zone 15 304895E 3272337N Approximate size of area (parcel) reviewed, including uplands: 0.19 acres. Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination 冈 Date: 22 September 2004 Site visit(s) X Date(s): 19 August 2004 Jurisdictional Determination (JD): Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.19 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.19 There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Inrisdiction BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidally influenced Waters

L] Ordinar □ cle	y High Wate ear, natural l	diction: (Referer Mark indicate impressed of litter and debr	ted by: on the bank	parts 328 and 3	High T	Fide Line indicated by: pil or scum line along shore objects
	ch de	anges in the	character of so terrestrial vege	oil		D p	fine shell or debris deposits (foreshore) ohysical markings/characteristics idal gages other:
\boxtimes	Mean H	igh Water M ey to availab	lark indicated ble datum; 🛛	oy: physical marki	ings; 🗌 vegeta	tion lin	nes/changes in vegetation types.
	Wetland	boundaries,	as shown on t	he attached we	etland delineati	on map	o and/or in a delineation report prepared by:
Ba	sis For No	t Asserting	Jurisdiction:				
	The revie	ewed area co	onsists entirely		5D . 200() (
	Headqua	o confirm th rters decline	e presence of v	waters in 33 Cl	FR part 328(a)(1, 2, or	r 4-7). art 328.3(a)(3).
d	The Corp United S	ps has made tates:	a case-specific	c determination	that the follow	ving wa	aters present on the site are not Waters of the
		√aste treatm	ent systems, in	cluding treatm	ent ponds or la	igoons,	pursuant to 33 CFR part 328.3.
	□ A □ A	rtificial lake	rigated areas, ves and ponds c	vnich would re reated by excar	evert to upland vating and/or d	if the ii	irrigation ceased. Iry land to collect and
		etain water a	nd which are t	ised exclusivel	y for such purp	oses as	s stock watering, irrigation, settling basins, or
	ri	ce growing.					
	☐ A	runciai rene v excavating	cung or swim and/or diking	ming pools or dry land to ref	other small orr	namenta	al bodies of water created ly aesthetic reasons.
	□ N	/ater-filled o	lepressions cre	ated in dry lan	d incidental to	constr	uction activity and pits excavated in dry land fo
	th	e purpose o	f obtaining fill	, sand, or grave	el unless and ui	ntil the	construction or excavation operation is
	at 31	oandoned an 28.3(a).	d the resulting	body of water	meets the defi	nition (of waters of the United States found at 33 CFR
			state wetland v	with no nexus t	to interstate cor	nmerce	e.
	☐ Pi	rior converte	ed cropland, as inage or irrigat	determined by	the Natural R	esource	es Conservation Service. Explain rationale: Explain rationale:
					AINATION (n		ll that apply):
	Data shee	ts prepared/	submitted by o	or on behalf of	the applicant.		
				ineation report		,]	prepared by (company):
П			ot concur with by the Corps.	i the delineation	on report, dated		, prepared by (company):
	Corps' na	vigable wate	ers' studies:				
			ey Hydrologic				
씱				Topographic m Historic quadra			
ä				Historic quadra			
	USDA Na	itural Resou	rces Conservat	tion Service Sc			
			entory maps:				
H			nventory maps: Map Name & I				
Ĭ		Floodplain E		(NGVD)			
\boxtimes	Aerial Pho	otographs (N	Name & Date):	Jan 95 League	City DOQQ		
H		tographs (D	ate): on Wetland ma	ane:			
X				aps: n: 19 August 2	2004		
	Applicable	e/supporting	case law:		• •		
	Other info	rmation (ple	ease specify):				
1	//	•	1				
	laram.	M D	w.C.				

Wetlands are dentified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The ferm "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: I-4991

PROJECT LOCATION INFORMATION:

State: Texas

County: Gavleston
Center coordinates of site (latitude/longitude):

29° 11' 19"N, 94° 58' 45"W

Approximate size of area (parcel) reviewed, including uplands: .5 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 19 August 2004 Date(s): 19 August 2004

Jurisdictional	Determination	(JD)):
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Preliminary JD - Based on available information, \(\square\$ there appear to be (or) \(\square\$ there appear to be no "waters of the
 United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A	Waters defined under 33	CFR nart	329 as "navigable v	vaters of the	United States".
Α.	- waters defined under 55	Crrpart	349 as navigable v	valers or the	Omieu States :

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Areas that meet the three citeria of a wetland as outlined 1987 Corps of Engineers Wetland Delineation Manual are present within the site. The wetlands are adjacent because they have a hydrlogic surface connection to a roadside ditch at the north end of the property that is subject ebb and flow of the daily tide of Galveston Bay. Galveston Bay is a navigable water of the United States and is subject to the ebb and flow of the daily tide. Therefore, the wetlands on the site are adjacent and subject to Corps of Engineers jurisdiction.

FILE NUMBER: I-4991

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Resources Conservation Service Soil Survey: Gavleston County, Texas National wetlands inventory maps: Lake Como State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Panel: 4812710001D, 6 December 2002 100-year Floodplain Elevation is: 17 (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:
	Site visit/determination conducted on: 19 August 2004 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston **FILE NUMBER:** I-5013

			INFORMATION:								
	Stat										
		inty: Galve			T -4: 00 21 550	1 04 26 062					
		Center coordinates of site (latitude/longitude): Lat: 29-31.552 Long: 94-36.062 Approximate size of area (parcel) reviewed, including uplands: 160 acres.									
	Name of nearest waterway: East Bay										
		ne of watershed:	East Bay								
	1 141	ne or watershed.	Dasi Day								
JUR	ISD	ICTIONAL DE	TERMINATION								
	Con	npleted: Deskt	op determination		Date:						
		Site v	isit(s)	\boxtimes	Date(s): 25 Augu	st 2004					
	Juri	isdictional Deter	mination (JD):								
			nd/or "navigable waters			to be (or) there appear to be no "waters of the e project site. A preliminary JD is not appealable					
	Ø	Approved JD – Check all that ap	An approved JD is an appply:	ppealable	action (Reference	33 CFR part 331).					
			avigable waters of the Uea. Approximate size of			y 33 CFR part 329 and associated guidance) within es.					
			vaters of the United Stat Approximate size of juri			part 328 and associated guidance) within the					
		There are "i.	solated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWAI	te waters or wetlar NCC/Migratory Bi	nds" within the reviewed area. In the reviewed area. In the Rule Information Sheet for Determination of No.					
RASI	is o	E HIRISDICTI	ONAL DETERMINA	TION.							
			under 33 CFR part 32		vigable waters of	the United States":					
į	Ø	The presence of	waters that are subject the susceptible for use \underline{t}	o the ebb	and flow of the tie	de and/or are presently used, or have been used in					
			under 33 CFR part 32								
	X					in the past, or may be susceptible to use in					
						ect to the ebb and flow of the tide.					
ļ			of interstate waters inc								
ı						ams (including intermittent streams), mudflats,					
		destruction of w	hich could affect interst	ate comm	i illeadows, piaya i	akes, or natural ponds, the use, degradation or y such waters (check all that apply):					
						for recreational or other purposes.					
						in interstate or foreign commerce.					
						stries in interstate commerce.					
[(4) Impoundmen	nts of waters otherwise of	defined as	waters of the US.						
[of a tributary to a wate	r identifie	ed in (1) – (4) abov	ve.					
Į	4	(6) The presence	of territorial seas.	41							
L	لا	(/) The presence	e or wetrands adjacents t	o otner w	alers of the US, ex	except for those wetlands adjacent to other wetlands.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Bay is a navigable water of the United States subject to the daily tides of the Gulf of Mexico.

FILE NUMBER: I-5013

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
⊠	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Frozen Point, Tex.; Flake, Tex; Lake Stephenson, Tex. 1974 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Deological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quad

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston
FILE NUMBER: I-5017

PROJE(Stat		ATION IN Texas	FORMATI	ON:				
	nty:	Galvesto	n					
Cen App Nan	ter coordi roximate	inates of si size of are est waterw	te (latitude/lo	viewed, in	cluding	Lat: 29-16-1.0403 uplands: 0.003 acre		Long: 94-52-40.58
INAL	iic oi waic	Jisheu.	West Day					
			RMINATIO		•	_		
Cor	npleted:	Desktop Site visit	determinatio (s)	n D	3	Date: Date(s): 1 Septemb	er	2004
Jur	isdictiona	al Determi	nation (JD):	:				
	United S	States" and	ased on avail /or "navigabl part 331).	lable infor le waters o	mation, of the U	there appear to nited States" on the	<i>be</i> pro	(or) there appear to be no "waters of the piject site. A preliminary JD is not appealable
×		ed JD – An Il that appl) is an app	ealable	action (Reference 3	33 C	CFR part 331).
	Therethe the review	e are "nav wed area.	igable waters Approximat	of the Ur e size of j	nited Sta urisdicti	ntes" (as defined by onal area: 0.003.	33 (GC	CFR part 329 and associated guidance) within
	There	<i>e are</i> "wat d area. Ap	ers of the Un proximate siz	ited States ze of juris	s" (as d dictiona	efined by 33 CFR p l area: 0.003 Acr	art •e	328 and associated guidance) within the
	1 Ther	e are "isol	ated, non-na Decision su Jurisdiction	pported b	ntra-sta y SWAI	te waters or wetland NCC/Migratory Bird	is" d R	within the reviewed area. ule Information Sheet for Determination of No.
BASIS (A. 🏻	Waters The pres	defined un	iters that are	R part 329 subject to	as "na the ebb	vigable waters of the and flow of the tide	e an	nd/or are presently used, or have been used in
B. ⊠	(1) The interstat (2) The (3) The sandflats destruct:	presence of e or foreight presence of presence of s, wetlands ion of which which are of from which	f waters, whin commerce, f interstate w f other waters, sloughs, prech could affe or could be u h fish or she	ich are cur including vaters inclus s such as airie pothe ct intersta sed by int llfish are c	rently used all water all	ers which are subjecterstate wetlands ¹ . e lakes, rivers, streat meadows, playa laterce including any or foreign travelers for taken and sold in	n the et to ams akes suc for a	e past, or may be susceptible to use in the ebb and flow of the tide. (including intermittent streams), mudflats, or natural ponds, the use, degradation or h waters (check all that apply): recreational or other purposes. terstate or foreign commerce.
	T (iii)) which are	or could be	used for i	ndustria	l purposes by indus	trie	s in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetland is tidal and is contuguous with the Crash Boat Basin, a navigable water subject to the daily tide that is connected to West Bay.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: I-5017

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank destruction of terrestrial vegetation shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types.
8 3	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston, Tex. Photorevised 1974; Virginia Point, Tex. 1974 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	RICT OFFI NUMBER:	ICE: Galveston District : I-5019		Ţ	
St Co Co Ap Na	ate: Texas ounty: Galv enter coordi oproximate ame of near	veston inates of site (latitude/lor size of area (parcel) revi rest waterway: Factory B ershed: Lower Galveston	gitude): 3 ewed, incl ayou		
0		AL DETERMINATION Desktop determination Site visit(s)	N □ ⊠		Date: Date(s): 16 Sep 2004
Ju	risdictiona	l Determination (JD):			
	United S	ary JD - Based on availat tates" and/or "navigable ce 33 CFR part 331).	ole informa waters of t	ation he U	, \(\sum_\) there appear to be (or) \(\sum_\) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
\boxtimes		d JD – An approved JD i. l that apply:	s an appea	lable	action (Reference 33 CFR part 331).
		<i>are</i> "navigable waters o wed area. Approximate s			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: N/A
					efined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There	are "isolated, non-navig Decision supp Jurisdiction.	able, intra orted by S	a-stat WAl	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (A.	Waters d The prese	nce of waters that are sub	art 329 as eject to the	"na ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) which is a printer from the printerstate (ii) which is a printerstate from the printerst	resence of waters, which or foreign commerce, incresence of interstate water seence of other waters so wetlands, sloughs, prairien of which could affect i hich are or could be used rom which fish or shellfis which are or could be used and ments of waters other resence of a tributary to a resence of wetlands adjacted	are current cluding all rs including all rs including the second for in	tly us water mastate, wet commate or could lest it as notified as notified as many market water	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US. ed in (1) – (4) above. atters of the US, except for those wetlands adjacent to other wetlands.
Rat	ionale for	the Basis of Jurisdiction	nal Detern	ninat	tion (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Factory Bayou is a navigable water of the United States subject to the ebb and flow of the daily tide.

Latera O C	al Extent of Jurisdiction: (Reference: 33 CFR parts 328 ar ardinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:	High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
☐ Me	ean High Water Mark indicated by: survey to available datum;	etation lines/changes in vegetation types.
☐ We	etland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
☐ The ☐ Una ☐ Hea ☐ The	Artificial reflecting or swimming pools or other small of by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless and	dowing waters present on the site are not Waters of the lagoons, pursuant to 33 CFR part 328.3. In diff the irrigation ceased. In diking dry land to collect and arposes as stock watering, irrigation, settling basins, or or ormamental bodies of water created arpimarily aesthetic reasons. It construction activity and pits excavated in dry land for until the construction or excavation operation is efficient of waters of the United States found at 33 CFR commerce. Resources Conservation Service, Explain rationals:
Maps Data Data Data Corps U.S. 0 U.S.	EWED FOR JURSIDICTIONAL DETERMINATION (s, plans, plots or plat submitted by or on behalf of the applicant. This office concurs with the delineation report, dated	cant, prepared by (company): ed, prepared by (company):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23551

Sta Co Ce Ap Na	ite: unty: nter coordir proximate s	Texas Brazoria nates of si size of are est waterw	te (latitude/lor	igitude): ewed, inclu eek	ıding	UTM 15 270472E 3213717N g uplands: 4 acres.
			RMINATION determination (s)	N 		Date: 9 September 2004 Date(s):
Ju	risdictional	l Determi	nation (JD):			
	United St	tates" and				there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved Check all			s an appeal	able	action (Reference 33 CFR part 331).
			igable waters o Approximate			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the Unite proximate size			efined by 33 CFR part 328 and associated guidance) within the all area: 2.5 ac.
	☐ There	are "isol				te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	Waters d The prese	l <mark>efined ur</mark> nce of wa	ters that are su	part 329 as bject to the	"na ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (i) will (ii) friction (iii) will (ii	resence of or foreign resence of resence of wetlands on of which hich are of rom which which are undments resence of	waters, which a commerce, in finterstate wat fother waters and affect or could be used fish or shellf or could be us of waters othe a tributary to ferritorial sea	are curren acluding all ers including such as intra- rie potholes interstate of d by intersta- ish are or co- ed for indu- rwise define a water ideas.	tly u wate astate , we omm ate o ould strial ed as ntific	sed, or were used in the past, or may be susceptible to use in the past, or may be susceptible to use in the past, or may be susceptible to use in the past, or may be susceptible to use in the past, or may be susceptible to use in the past, or which are subject to the ebb and flow of the tide. The terstate wetlands is the past of the use, degradation or the part of the use, degradation or the part of the use in the part of the use, degradation or the part of the use in the part of the use in the part of the use in the use in the past of the use in the use in the use in the past of the use in the use in the use in the use in the past of the use in the past of the use in the

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 2355/

La	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Diagram of the presence of litter and debris Diagram of the character of soil Diagram of the character of soil Diagram of the shell or debris deposits (foreshore) Diagram of the character of soil Diagram of the character of the char									
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.									
Ø	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: reference D-15359									
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):									
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 17 Dec 2003, prepared by (company): Entrix This office does not concur with the delineation report, dated 7 Dec 2003, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): reference determination D-15359									

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23552

PROJE	CT LOCATION INFORMATION:		
Sta			
	unty: Matagorda		
	nter coordinates of site (latitude/longit		28 47' 78"N; -95 39; 34:W
	proximate size of area (parcel) review		ng uplands: acres.
	ne of nearest waterway: Caney Creek		7.0 . 1 . 1 . 10000400
Nai	me of watershed: East Matagorda	Bay; USGS	S Cataloging Unit: 12090402
JURISI	DICTIONAL DETERMINATION		
Co	mpleted: Desktop determination	Ø	Date: 20 September 2004
	Site visit(s)		Date(s):
Jur	isdictional Determination (JD):		
	Preliminary JD - Based on available United States" and/or "navigable wa (Reference 33 CFR part 331).	information iters of the	n, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×	Approved JD – An approved JD is a Check all that apply:	n appealabl	le action (Reference 33 CFR part 331).
	☑ There are "navigable waters of the reviewed area. Approximate size		tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "waters of the United reviewed area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of N
DASIS (OF JURISDICTIONAL DETERMI	NATION:	
A.			avigable waters of the United States":
Ä		ect to the eb	b and flow of the tide and/or are presently used, or have been used in
В.	Waters defined under 33 CFR par		
			used, or were used in the past, or may be susceptible to use in
			sters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters		
			ate lakes, rivers, streams (including intermittent streams), mudflats,
			et meadows, playa lakes, or natural ponds, the use, degradation or
			merce including any such waters (check all that apply):
			or foreign travelers for recreational or other purposes.
			d be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used	tor industri	al purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23552

La	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

Revised 8/13/04

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 08256(06)

PR	OJECT LOCATION INFO State: Texas County: Matagorda Center coordinates of site (I Approximate size of area (p Name of nearest waterway: Name of watershed: Co	atitude/longitude): arcel) reviewed, includi	28 45' 33"N, 96 00' 02"W Blessing SE ng uplands: acres.
JUF	RISDICTIONAL DETERM Completed: Desktop deter Site visit(s)		Date: Date(s):
	Jurisdictional Determination	on (JD):	
	Preliminary JD - Based United States" and/or "r (Reference 33 CFR part	navigable waters of the	n, \(\sum_\) there appear to be (or) \(\sum_\) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD - An appr Check all that apply:	oved JD is an appealabl	e action (Reference 33 CFR part 331).
	There are "navigable the reviewed area. Appr	e waters of the United S oximate size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) withir tional area:
	There are "waters of reviewed area. Approxi	the United States" (as mate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	Deci Deci	non-navigable, intra-sta sion supported by SWA diction.	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Α	The presence of waters the	3 CFR part 329 as "na at are subject to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
	(1) The presence of water interstate or foreign commodified interstate or foreign commodified interstate or foreign commodified interstate or foreign commodified interstate or could be supported in the conference of the conference of a tribute of the conference of the conference of the conference of the conference of a tribute of the conference of the	rs, which are currently unerce, including all waters including in waters such as intrastated, so prairie potholes, we did affect interstate common to be used by interstate corresponding to the sused for industrial ers otherwise defined as utary to a water identification adjacent to other words.	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. It waters of the US. Each in (1) – (4) above.
Ra	tionale for the Basis of Ju	risdictional Determina	tion (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project site is located along the Colorado River.

FILE NUMBER: 08256(06)

T =4===1	E- 4 - 4 - 6 I		FILE NUMBER: 08256(C
	Extent of Jurisdiction: (Reference: 33 CFR parts 32 dinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		igh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	n High Water Mark indicated by: survey to available datum;	vegetatio	on lines/changes in vegetation types.
☐ Wetl	land boundaries, as shown on the attached wetland de	lineation	map and/or in a delineation report prepared by:
The r Unab Head The (the purpose of obtaining fill, sand, or gravel unless	of 33 CF e following de followi	FR part 328.3(a)(3). In waters present on the site are not Waters of the sons, pursuant to 33 CFR part 328.3. It is irrigation ceased. In g dry land to collect and sees as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for the construction or excavation operation is ion of waters of the United States found at 33 CFR merce.
	Non-tidal drainage or irrigation ditches excavated of Other (explain):	on dry lan	ıd. Explain rationale:
Maps, Data si Th Data si Corps' U.S. G U.S. G U.S. G U.S. G	WED FOR JURSIDICTIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATIONAL DETERMINATION DE LA CONTROL DE LA C	applicant. icant. , pre , dated	
100-ye	WFIRM maps (Map Name & Date): ear Floodplain Elevation is: (NGVD) Photographs (Name & Date): photographs (Date): ced Identification Wetland maps: sit/determination conducted on: eable/supporting case law: information (please specify):		

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 22138(02)

		CT LOCATION IN	FORMATION:				
	App Nam		a (parcel) reviewed, ay: San Bernard Ri	, including ver	28 57' 53.8116"; -95 33' 43.1915" guplands: acres.		
	JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s)				Date: 21 September 2004 Date(s):		
	Juri	sdictional Determi	nation (JD):				
		Preliminary JD - Ba United States" and/ (Reference 33 CFR	or "navigable water	formation rs of the U	, \(\subseteq \text{ there appear to be (or)} \) \(\subseteq there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable		
	\boxtimes	Approved JD – An Check all that apply		appealable	action (Reference 33 CFR part 331).		
		☐ There are "navi the reviewed area.	igable waters of the Approximate size of	United Start of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:		
		There are "water reviewed area. Ap	ers of the United Sta proximate size of ju	ates" (as d	defined by 33 CFR part 328 and associated guidance) within the al area:		
		☐ There are "isol ☐	ated, non-navigable Decision supported Jurisdiction.	e, intra-sta d by SWA	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No		
BAS	Δ	The presence of wa	nder 33 CFR part a	329 as "na to the ebb	avigable waters of the United States": be and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.		
	B. 22 22 22 22 22 22 22 22 22 22 22 22 22	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetlands destruction of which in the control of the control of the presence of (6) The presence of interstate of	f waters, which are n commerce, includ f interstate waters in f other waters such s, sloughs, prairie poch could affect inter or could be used by h fish or shellfish are or could be used fo of waters otherwise f a tributary to a waf territorial seas.	currently using all wat neluding in as intrasta otholes, we state comminterstate or could or industriate defined atter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce.		
					C. (P. () and beauty below the beauty of the invitational		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 22138(02) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris physical markings/characteristics changes in the character of soil tidal gages destruction of terrestrial vegetation other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): USFWS Wetlands Mapper & Texas General Land Office Inspection

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston **FILE NUMBER:** D-16430

PROJE	CT LOCATION	ON INFORMATION:		
		exas		
		ivaca, TX		
		es of site (latitude/longitud		UTM (NAD 27): Z 14 677308E 3248202N
		of area (parcel) reviewed	including	g uplands: 0.0149 acres.
Na	me of nearest v	waterway: Mustang Creek		
Na	me of watershe	ed: Lavaca (12100101)	
		DETERMINATION		
Co	mpleted: De	esktop determination	\boxtimes	Date: 9-20-04
	Sit	te visit(s)		Date(s):
-				·
Jui	risdictional De	etermination (JD):		
	United States	JD - Based on available in s" and/or "navigable water 3 CFR part 331).	formation, s of the U	, \(\text{there appear to be (or)} \) \(\text{there appear to be no "waters of the nited States"} \) on the project site. A preliminary JD is not appealable
\boxtimes	Approved JE Check all that		ppealable	action (Reference 33 CFR part 331).
		e "navigable waters of the area. Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
		e "waters of the United Sta a. Approximate size of ju		efined by 33 CFR part 328 and associated guidance) within the larea:
	There are	e "isolated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWAI	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (OF HIDISDIC	CTIONAL DETERMINA	TION.	
				vigable waters of the United States":
Ĉ	The presence	of waters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
В.	Waters defir	ned under 33 CFR part 3	28.3(a) as	"waters of the United States":
				sed, or were used in the past, or may be susceptible to use in
<u> </u>				ers which are subject to the ebb and flow of the tide.
		ence of interstate waters in		
同				e lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, we	tlands, sloughs, prairie pot	holes, wet	meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of	f which could affect inters	tate comm	erce including any such waters (check all that apply):
				r foreign travelers for recreational or other purposes.
				be taken and sold in interstate or foreign commerce.
				purposes by industries in interstate commerce.
		nents of waters otherwise		
\boxtimes		nce of a tributary to a water	er identifie	ed in (1) – (4) above.
	(6) The prese	nce of territorial seas.		
	(7) The prese	nce of wetlands adjacent ²	to other w	aters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Mustang Creek is a historic tributary that connects to the Lavaca River, via Rocky Creek. The Lavaca river becomes navigable south of Moulton, Texas and eventually merges with the Navidad river, terminating in Lavaca Bay, a tidal water body.

FILE NUMBER: D-16430 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: applicant identified on project plans Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Sonational wetlands inventory maps:
State/Local wetland inventory maps:
FEMA/FIRM maps (Map Name & Date): USDA Natural Resources Conservation Service Soil Survey: 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESW	G
FILE NUMBER: D-16469	

:	JECT LOCATION INFORMATION: State: TX County: Matagorda Center coordinates of site (latitude/longitude): 28 47' 78"N; -95 39; 34:W Approximate size of area (parcel) reviewed, including uplands: acres.						
	Name of nearest waterway: Caney Creek Name of watershed: East Matagorda Bay; USGS Cataloging Unit: 12090402						
	SDICTIONAL DETERMINATION Completed: Desktop determination						
	urisdictional Determination (JD):						
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).						
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:						
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
A	S OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.						
Ī	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
	(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16469

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: Gil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Su

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE

FILE NUMBER: D-16470

PROJEC	CT LOCA	TION IN	FORMATION:		
State		Texas			
	nty:	Galvestor	n County		
Cen	ter coordin	ates of sit	e (latitude/longitu	ide):	29 Degrees 23' 17" N, 94 Degrees 45' 32" W
App	roximate s	ize of area	a (parcel) reviewe	d, including	g uplands: 0.151 acres.
Nan	ne of neare	st waterw	ay: Gulf Intracoas	stal Waterw	vay
	ne of water	shed:	HUC Code: 1204	10202, East	Galveston Bay
			RMINATION		
Con	npleted:	Desktop o	determination	\boxtimes	Date: 21 September 2004
		Site visit((s)		Date(s):
Juri			nation (JD):		_
	United St	ates" and/	ased on available for "navigable wat part 331).	information ers of the U	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø		I JD – An that apply		appealable	le action (Reference 33 CFR part 331).
	There	<i>are</i> "navi ved area.	gable waters of th Approximate size	e United So of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
	■ There	are "isolo	ated, non-navigab Decision support Jurisdiction.	le, intra-sto ed by SWA	ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
DACTO	SE HIDIC	DICTION	NAL DETERMIN	NATION.	
	JF JUNIS Watana d	offered un	der 33 CFD nort	1A11011. t 320 oc "n	navigable waters of the United States":
A.	The prese	nce of wa	ters that are subje	ct to the eb	bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters d	lefined un	nder 33 CFR part	t 328.3(a) a	as "waters of the United States":
Ø	(1) The p	resence of	waters, which are	e currently	used, or were used in the past, or may be susceptible to use in
***************************************	interstate	or foreign	n commerce, inclu	ding all wa	aters which are subject to the ebb and flow of the tide.
	(2) The p	resence of	f interstate waters	including i	interstate wetlands ¹ .
	(3) The p	resence of	f other waters such	n as intrasta	ate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats.	wetlands	, sloughs, prairie p	otholes, w	et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction	on of whic	h could affect inte	erstate com	nmerce including any such waters (check all that apply):
	(i) w	hich are o	or could be used by	y interstate	or foreign travelers for recreational or other purposes.
	(ii) f	rom which	h fish or shellfish	are or could	d be taken and sold in interstate or foreign commerce.
	(iii)	which are	or could be used	for industri	ial purposes by industries in interstate commerce.
	(4) Impor	undments	of waters otherwis	se defined	as waters of the US.
	(5) The p	resence of	f a tributary to a w	ater identif	fied in $(1) - (4)$ above.
	(6) The p	resence of	f territorial seas.		
	(7) The p	resence of	f wetlands adjacer	it' to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The drainage canal empties into marina adjacent to the GIWW. The proposed work is a non-regulated activity above the high tide line.

FILE NUMBER: D-16470

Lat	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by: Migh Tide Line indicated by:
	clear, natural line impressed on the bank oil or scum line along shore objects
	the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation tidal gages
	shelving other:
	other:
	_
	Mean High Water Mark indicated by:
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	W. d 11
Ш	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:
	The reviewed area consists entirely of uplands.
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the
	United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
⊠	Maps, plans, plots or plat submitted by or on behalf of the applicant.
	Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
	Data sheets prepared by the Corps.
님	Corps' navigable waters' studies:
Ц	U.S. Geological Survey Hydrologic Atlas:
図	U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar Quad
Н	U.S. Geological Survey 7.5 Minute Historic quadrangles:
님	U.S. Geological Survey 15 Minute Historic quadrangles:
닠	USDA Natural Resources Conservation Service Soil Survey:
Ø	National wetlands inventory maps:
	State/Local wetland inventory maps:
	FEMA/FIRM maps (Map Name & Date):
닞	100-year Floodplain Elevation is: (NGVD)
	Aerial Photographs (Name & Date): Port Bolivar Quad 1995
	Other photographs (Date):
님	Advanced Identification Wetland maps:
닏	Site visit/determination conducted on:
H	Applicable/supporting case law: Other information (please specify):
ш	Other information (piease specify).

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16494

	ON INFORMATION:		
nty: Ma ter coordinates roximate size ne of nearest w	tagorda s of site (latitude/longitu of area (parcel) reviewe vaterway: GIWW		UTM 15 254643E 3185817N g uplands: 0.001 acres.
pleted: Des	ktop determination		Date: 15 September 2004 Date(s):
sdictional De	termination (JD):		
United States'	" and/or "navigable wat	information ers of the U	, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		appealable	e action (Reference 33 CFR part 331).
			ates" (as defined by 33 CFR part 329 and associated guidance) within itional area:
☑ <i>There are</i> reviewed area	"waters of the United S . Approximate size of j	tates" (as our isdictions	defined by 33 CFR part 328 and associated guidance) within the all area:
☐ There are			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
Waters defin The presence of	ed under 33 CFR part of waters that are subject	329 as "na t to the ebb	and flow of the tide and/or are presently used, or have been used in
(1) The preser interstate or for (2) The preser (3) The preser sandflats, wetledestruction of (i) which (ii) from (iii) which (4) Impoundm (5) The preser (6) The preser	ace of waters, which are oreign commerce, including of interstate waters ince of other waters such ands, sloughs, prairie p which could affect interare or could be used by which fish or shellfish at are or could be used for ents of waters otherwistice of a tributary to a water of territorial seas.	currently uding all wat neluding in as intrastate otholes, we restate comminterstate corrections or could be industriated attention of the control of the co	ased, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. Atterstate wetlands ¹ . The lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): The foreign travelers for recreational or other purposes. The taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
nternee Oli State Oli Stat	Approved JD Check all that There are eviewed area There are eviewed area The pessence of the past, or ma Waters define 1) The presence of the past, or ma Waters define 1) The presence of the presence of the past, or ma Waters define 1) The presence of the presence of the past, or ma Waters define 1) The presence of the presence of the past, or ma Waters define 1) The presence of the presence of the past, or ma Waters define 1) The presence of the presence of the presence of the past, or ma Waters define 1) The presence of the presence of the presence of the presence of the past, or ma Waters define 1) The presence of th	Matagorda er coordinates of site (latitude/longituoximate size of area (parcel) reviewed e of nearest waterway: GIWW e of watershed: GOM CTIONAL DETERMINATION pleted: Desktop determination Site visit(s) dictional Determination (JD): Preliminary JD - Based on available of United States" and/or "navigable waters and/or "navigable waters and/or "navigable waters of the reviewed area. Approximate size There are "navigable waters of the United Seviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable Decision supported Jurisdiction. There are "isolated, non-navigable Decision supported Jurisdiction. There are "isolated, non-navigable Decision supported Jurisdiction. The presence of waters that are subject the past, or may be susceptible for use the past of	Approved JD - An approved JD is an appealable check all that apply: There are "navigable waters of jurisdiction. There are "isolated, non-navigable, intra-state or foreign cunder 33 CFR part 329 as "na deep che past, or may be susceptible for use to transpo the past, or may be susceptible for use to transpo the past, or may be susceptible for use to transpo the past, wetlands, sloughs, prairie potholes, we estruction of which could affect interstate commet (i) which are or could be used for industria 4) Impoundments of waters of the used in the presence of the transpo the presence of the transpo the presence of the transpo the presence of at ributary to a water identification of the presence of the transpo the presence of which could affect interstate commet (ii) which are or could be used for industria 4) Impoundments of waters of the presence of iterritorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16495

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
DATA R	Cother (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-16495

PR	Star Cor Cer App Nar	te: unty: (nter coordinate si	Texas Calhoun ates of site (l ize of area (p st waterway:	,		UTM 14 716284E 3117130N g uplands: 0.014 acres.
JUI		mpleted:	L DETERM Desktop dete Site visit(s)			Date: 13 September 2004 Date(s):
	Jur	isdictional	Determinati	on (JD):		
		United Sta		navigable water		, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
	\boxtimes	Approved Check all t		roved JD is an a	appealable	action (Reference 33 CFR part 331).
				le waters of the proximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
				f the United Sta imate size of ju		defined by 33 CFR part 328 and associated guidance) within the all area:
			Dec			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	A.	Waters de The presen	efined under ace of waters	that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
	B.	(1) The pre interstate o (2) The pre (3) The pre sandflats, v destruction (i) which (iii) which (4) Impoun (5) The pre (6) The pre	esence of water foreign con- esence of interesence of other wetlands, slow of which co- ich are or course which are or course which fish thich are or conduments of we esence of a triesence of terresence of terres	ers, which are commerce, including the state waters such a light, prairie pould affect intersuld be used by in or shellfish are could be used for aters otherwise ibutary to a water itorial seas.	currently using all water cluding in as intrastat tholes, we tate communiterstate or could industrial defined as er identification.	s "waters of the United States": seed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. s waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16495

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages other:
¥	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hinter Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** SWG-04-07-028

FIL.	ENU	JMBER:	SWG-04-	07-028						
PRO				NFORMATI	ON:					
	State		Texas							
	App	ter coordi roximate	size of are	ite (latitude/l ea (parcel) re	viewed, inc	cluding	29 Degrees 13' 16" N, 94 Degrees 56' 14" W uplands: 0.001 acres.			
				vay: Eckert F		West C	Calvacton Day			
	Nan	ne of wate	rsnea:	Huc Code:	12040204,	west	Galveston Bay			
HIR	eisd	ICTION	AL DETE	ERMINATIO	ON					
,				determination		1	Date: 17 August 2004			
		•	Site visi		on 🗵	3	Date(s): 17 August 2004			
	Inri	isdictiona	l Determ	ination (JD)) :					
	, , , ,					.:	The second of the control of the second of t			
	U	United S	tates" and	Based on avai Nor "navigab R part 331).	liable infori le waters o	mation, of the U	, \sum there appear to be (or) \sum there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
	×		d JD – Ai l that app		D is an app	ealable	action (Reference 33 CFR part 331).			
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.01 acre.								
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:								
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.								
D 4 6	ore c	SE HIDI	מחברות	NAL DETE	DATINIA TI	ION.				
BAS	212 C	JF JUKIS Wotors	defined u	NAL DETE	RIVIIINA I I D part 320	ION; lac "na	vigable waters of the United States":			
	X.	The pres	ence of w	aters that are	subject to	the ebb	and flow of the tide and/or are presently used, or have been used in the interstate or foreign commerce.			
	D	W -4	J.C., J.	ndon 22 CE	D nowt 328	3(0) 00	s "waters of the United States":			
	В.	(1) The	aemieu u aresence (of waters wh	ich are cur	rently ii	ised, or were used in the past, or may be susceptible to use in			
							ers which are subject to the ebb and flow of the tide.			
	П						terstate wetlands ¹ .			
	Ħ	(3) The	oresence (of other water	rs such as i	ntrastat	e lakes, rivers, streams (including intermittent streams), mudflats,			
	3	sandflats	, wetland	s, sloughs, pi	rairie potho	oles, we	t meadows, playa lakes, or natural ponds, the use, degradation or			
		destructi	on of whi	ch could affe	ect interstat	e comn	nerce including any such waters (check all that apply):			
		(i) v	which are	or could be u	ised by inte	erstate c	or foreign travelers for recreational or other purposes.			
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.								
							l purposes by industries in interstate commerce.			
		(4) Impo	undments	of waters of	herwise de	tined a	s waters of the US.			
	Щ					identifi	ed in (1) – (4) above.			
	Ц	(6) The	presence of	of territorial s	seas.	- 41	water of the LIC arount for those wetlends ediscent to other wetlends			
	Ш	(7) The	presence (of wetlands a	ajacent- to	otner v	vaters of the US, except for those wetlands adjacent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Eckert Bayou is connected to West Galveston Bay

FILE NUMBER: SWG-04-07-028

Lat	ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ø	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Como Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Aceological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Aceological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Histori

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston **FILE NUMBER:** SWG-04-07-034

	JECT LOCATION INFORMATION: State: Texas			
Cer Ap Na	County: Fort Bend, TX Center coordinates of site (latitude/longitude): UTM (NAD 27): Z 15 244391E 3285439N Approximate size of area (parcel) reviewed, including uplands: acres. Name of nearest waterway: Keegan's Bayou Name of watershed: Austin Oyster (12040205)			
	ISDICTIONAL DETERMINATION Completed: Desktop determination			
Jur	Jurisdictional Determination (JD):			
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal (Reference 33 CFR part 331).			
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:			
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidanthe reviewed area. Approximate size of jurisdictional area:	nce) within		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:	n the		
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination.	ation of No		
BASIS (S OF JURISDICTIONAL DETERMINATION:			
A.		n used in		
B.	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use i interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mu sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradati destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. 	idflats, ion or		
D 41				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Keegna's Bayou is a historic tributary which connects to the Houston Ship Channel, via Brays Bayou, at Brady Island. Fill is being placed below the ordinary high water mark of the Bayou, thus a jurisdictional activity.

FILE NUMBER: SWG-04-07-034

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: □ dright Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
\boxtimes	CEVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): submitted by applicant 13 July 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG-PE-RE UMBER: 23297
Stat Cou Cen App Nan	e: TX inty: ORANGE ter coordinates of site (latitude/longitude): 30-5-7.3690 - 93-44-40.8262 proximate size of area (parcel) reviewed, including uplands: 0.23 acres. the of nearest waterway: Adams Bayou the of watershed: Sabine River
	ICTIONAL DETERMINATION npleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.23 ac.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.23 ac.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
Δ	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В. П	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23297

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: □ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadran

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: 566- FILE NUMBER: 33538	
PROJECT LOCATION INFORMATION: State: X County: Ham's Center coordinates of site (latitude/longitude): VTM 15 340700 € 3317500 N Approximate size of area (parcel) reviewed, including uplands: 35.9 acres. Name of nearest waterway: CAPRSS (reck) Name of watershed: Sandacarto	
JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date(s):	
Jurisdictional Determination (JD):	
Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).	e le
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:	ıir
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:	
There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of I Jurisdiction.	No
BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.	ı
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.	s.
Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Not STOM MINCH D-1548 (D) Rand MPOWMENT MINCH SWG-04-M-035)
Part a more moder sub-04-14 029	

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
Ì	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	٠.
	sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	
DATA)	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): D - 15448 (0) This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S.DA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: SEMA/FIRM maps (Map Name & Date): 00-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	>

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

]	DISTI FILE	RICT OFFICE: Galvistin NUMBER: 14392(05)/1929
	PROJ	ate: Texas punty: Gallisfra enter coordinates of site (latitude/longitude): proproximate size of area (parcel) reviewed, including uplands: nume of nearest waterway: Clan halt nume of watershed: Galusfran Bul
J	URIS Co	DICTIONAL DETERMINATION mpleted: Desktop determination Date: Site visit(s) Date(s):
	Ju	risdictional Determination (JD):
		Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	d	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BA	A./	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
		Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
	Dati	and for the Pagin of Invindictional Determination (applies to any house the land them.) Yell in the

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La		Extent of Jurisdiction: (Reference: 33 CFF inary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
Ø	Mean	n High Water Mark indicated by: urvey to available datum; 📝 physical mark	ings; 🗌 vegetat	ation lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached w	etland delineation	on map and/or in a delineation report prepared by:
	The re Unable Headquarthe C United	Waste treatment systems, including treatment Artificially irrigated areas, which would reach Artificial lakes and ponds created by excaretain water and which are used exclusively rice growing. Artificial reflecting or swimming pools or by excavating and/or diking dry land to retwater-filled depressions created in dry land the purpose of obtaining fill, sand, or grave abandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus the street was a street with the street water street.	the basis of 33 Cm that the follow nent ponds or lagevert to upland i vating and/or dilly for such purpo other small ornatain water for prid incidental to cell unless and unit meets the definition interstate come to interstate come the Natural Res	CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased, iking dry land to collect and coses as stock watering, irrigation, settling basins, or mamental bodies of water created rimarily aesthetic reasons, construction activity and pits excavated in dry land fo ntil the construction or excavation operation is mitten of waters of the United States found at 33 CFR merce. Esources Conservation Service, Explain retionals.
M Di	laps, p ata she ata she This This ata she orps' n S. Gec S. Gec S. Gec S. Gec SDA N ational ate/Loc EMA/F 0-year orial Pt her pholyance e visit oplicab	VED FOR JURSIDICTIONAL DETERM clans, plots or plat submitted by or on behalf of its office concurs with the delineation report, is office does not concur with the delineation rests prepared by the Corps. navigable waters' studies: ological Survey Hydrologic Atlas: ological Survey 7.5 Minute Topographic mological Survey 7.5 Minute Historic quadrated plogical Survey 15 Minute Historic quadrated plogical Survey 16 Minute Historic quadrated plogical Survey 17 Minute Historic quadrated plogical Survey 17 Minute Historic quadrated plogical Survey 18 Minute Hist	f of the applicant the applicant. , dated n report, dated _ aps: apgles: ngles:	nt.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

	DISTRICT OFFICE: Suc FILE NUMBER: 20874(01) (ATF)
	PROJECT LOCATION INFORMATION: State: 1× County: HGYr1s Center coordinates of site (latitude/longitude): UTM 15 Approximate size of area (parcel) reviewed, including uplands: 24 acres. Name of nearest waterway: Clear Creak Clear Lake Name of watershed: Clear Locke Name of watershed: Clear Locke
•	JURISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Date: C1/D1/O4 Date(s):
	Jurisdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BA	ASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	 B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent than 1.2)
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
	(6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
	Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If $B(1)$ or $B(3)$ is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If $B(2, 4, 5 \text{ or } 6)$ is used as the Basis of Jurisdiction, document the rationale used to make the determination. If $B(7)$ is used as the Basis of Jurisdiction, document the rationale used to make adjacency

ATF dotermination: ATF doterminal under I-4621

20874(01)

La	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
X	Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 10 Minute Historic quadrangles:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** 23394(01)

PROJE	CT LOCA	ATION IN	FORMATION:		
Sta	te:	Texas			
Cor	unty:	Chamber	'S		
			te (latitude/longitud		Lat. 29.31.27 Long. 94.51.20
				, including	g uplands: 0.40 acres.
Nai	ne of near	est waterw	ay: Galveston Bay		
Nai	ne of wate	rshed:	Galveston Bay		
JURISE	DICTION	AL DETE	RMINATION		
Co	mpleted:	Desktop	determination	\boxtimes	Date: 22 September 2004
		Site visit	(s)		Date(s):
Jur			nation (JD):		
	United S	tates" and			, \(\text{there appear to be (or) } \(\text{There appear to be no "waters of the Inited States" on the project site.} \) A preliminary JD is not appealable
		d JD – An I that apply		appealable	action (Reference 33 CFR part 331).
			gable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There reviewed	are "wate area. App	ers of the United Sta proximate size of ju	ites" (as d risdictiona	defined by 33 CFR part 328 and associated guidance) within the al area:
	There	e are "isolo			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
DACICA	TE HIDIS	DICTION	NAL DETERMINA	TION.	
					vigable waters of the United States":
					and flow of the tide and/or are presently used, or have been used in
					raid now of the flac and/of are presently used, of have been used in ret interstate or foreign commerce.
В.					s "waters of the United States":
Ш	(1) The p	resence of	waters, which are	currently u	sed, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
			interstate waters in		
Ц					e lakes, rivers, streams (including intermittent streams), mudflats,
					t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
			•		be taken and sold in interstate or foreign commerce.
	_ ` ′				I purposes by industries in interstate commerce.
П			of waters otherwise		
H					ed in $(1) - (4)$ above.
뭐			territorial seas.	or racinities	ου π (1) (τ) αυστο.
H				to other u	vaters of the US, except for those wetlands adjacent to other wetlands.
	(/) The p		Stiands adjacent	to other w	sales of the ob, encept for those notitings adjacent to other wettailds.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23394(01)

La []	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
	U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** D16501

Sta	te: Tex		ON:	
Cei Ap Nai	proximate size	s of site (latitude/lo of area (parcel) rev vaterway: Horsepen	riewed, includin Creek	29.54.35N; 95.39.14W g uplands: 0.004 acres.
	mpleted: Des	DETERMINATIO sktop determination e visit(s)		Date: 9/16/04 Date(s):
Jur	risdictional Det	termination (JD):		
	United States'	D - Based on availa " and/or "navigable 3 CFR part 331).	able information e waters of the U	a, \square there appear to be (or) \square there appear to be no "waters of the Jnited States" on the project site. A preliminary JD is not appealable
×	Approved JD Check all that		is an appealable	e action (Reference 33 CFR part 331).
		"navigable waters area. Approximate		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
		"waters of the Unit. Approximate size		defined by 33 CFR part 328 and associated guidance) within the al area:
	☑ There are		ported by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (OF JURISDIC	TIONAL DETER	MINATION:	
A.	The presence	of waters that are s	ubject to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B. (2) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4	(1) The preser interstate or for (2) The preser (3) The preser sandflats, wet destruction of (i) which (ii) from (iii) which (4) Impoundm (5) The preser (6) The preser	nce of waters, whice oreign commerce, in the control of other waters lands, sloughs, praid which could affect are or could be used which fish or shell the are or could be unents of waters other could affect of a tributary to the could affect of a tributary to the could be unents of the could be unents of waters other could be unents of the could be unents of a tributary to the could be unents of the could be u	th are currently uncluding all wat ters including it such as intrastal irie potholes, we t interstate commed by interstate of fish are or could sed for industrial erwise defined a by a water identifias.	s "waters of the United States": ased, or were used in the past, or may be susceptible to use in the state which are subject to the ebb and flow of the tide. Interstate wetlands ¹ . It the lakes, rivers, streams (including intermittent streams), mudflats, the meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): for foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce. If purposes by industries in interstate commerce. It waters of the US. It waters of the US. It was a succept for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D16501

La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
Technolog	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated 17 August 2004, prepared by (company): Phase One gies Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16502

PROJ	JECT LOCATION INFORMATION:	
	State: Texas	
	County: Harris	
	Center coordinates of site (latitude/longitude):	29.54.37N; 95.39.31W
	Approximate size of area (parcel) reviewed, including	ng uplands: 0.004 acres.
	Name of nearest waterway: Horsepen Creek	
Na	Name of watershed: San Jacinto River	
	SDICTIONAL DETERMINATION	
Ce	Completed: Desktop determination	Date: 14 September 2004
	Site visit(s)	Date(s):
Ju	urisdictional Determination (JD):	
	Preliminary JD - Based on available information	n, \square there appear to be (or) \square there appear to be no "waters of the
50	United States" and/or "navigable waters of the	United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).	1 3 1 3 11
	•	
\boxtimes	Approved JD – An approved JD is an appealable	e action (Reference 33 CFR part 331).
	Check all that apply:	
		tates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size of jurisdic	ctional area: .
		defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdiction	nal area: .
	There are "induted you unionly integral	ate waters or wetlands" within the reviewed area.
		ANCC/Migratory Bird Rule Information Sheet for Determination of No.
	Jurisdiction.	ANCC/Migratory Bird Rule information Sheet for Determination of No
	Julisdiction.	
BASIS	OF JURISDICTIONAL DETERMINATION:	
A.		avigable waters of the United States":
П		b and flow of the tide and/or are presently used, or have been used in
•	the past, or may be susceptible for use to transp	
	1 / 3 1	
В.	. Waters defined under 33 CFR part 328.3(a) a	as "waters of the United States":
	(1) The presence of waters, which are currently	used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all wa	ters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including i	nterstate wetlands ¹ .
	(3) The presence of other waters such as intrasta	te lakes, rivers, streams (including intermittent streams), mudflats,
		et meadows, playa lakes, or natural ponds, the use, degradation or
		merce including any such waters (check all that apply):
		or foreign travelers for recreational or other purposes.
		d be taken and sold in interstate or foreign commerce.
		al purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined	
Щ	(5) The presence of a tributary to a water identif	1ed in (1) - (4) above.
Щ	(6) The presence of territorial seas.	
Ш	(7) The presence of wetlands adjacent ² to other	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16502

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas S S	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Upland drainage ditch that does not extend the plane of the mean high water of Horsepen Creek. Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated 17 August 2004, prepared by (company): Phase One origies, L.L.C. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Actional Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: SWG **FILE NUMBER:** D-16508

PRO	Stat Cou Cen App Nan	e: inty: iter coordi proximate	Texas Polk nates of si size of are est waterv		gitude): wed, inclu Tributary o	of Lo	Lat: 30.88.22 Long: 94.56.54 g uplands: 0.03 acres. ong King Creek
JUF				ERMINATION determination t(s)	\boxtimes		Date: 23 September 2004 Date(s):
	Juri	isdictiona	l Determi	ination (JD):			
		United S	tates" and				there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Ø		d JD – An l that appl		an appeal	lable	e action (Reference 33 CFR part 331).
				igable waters of Approximate s			ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
				ers of the Unite proximate size			defined by 33 CFR part 328 and associated guidance) within the all area:
	ı	There	are "isol				ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	SIS O	F JURIS	DICTIO	NAL DETERM	IINATIO	N:	
2710	A.	Waters of The prese	defined un ence of wa	nder 33 CFR paters that are sub	art 329 as eject to the	"na e ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
		(1) The p interstate (2) The p (3) The p	oresence of or foreign oresence of oresence of	f waters, which n commerce, inc f interstate wate f other waters so	are current cluding all rs includir ach as intra	tly u wat ng in astat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in uers which are subject to the ebb and flow of the tide. uterstate wetlands ¹ . te lakes, rivers, streams (including intermittent streams), mudflats,
		destruction (i) w (ii) f (iii) f (iii) (4) Import (5) The p (6) The p (7) The p	on of which are of community which are undments or community or commun	ch could affect in could be used the fish or shellfish or could be used of waters other fatributary to a fatributary adjacent fatributary and fat	nterstate c by interst th are or co d for indu wise define water ide ent ² to oth	ommate could striated as ntiffer	et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce. Is waters of the US. ed in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.
	Da4	anala fan	the Desig	of Tunindiation	al Dataur		ation (applies to any haves should show). If the invited stignal

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16508

La ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles:
	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: SWG **FILE NUMBER:** SWG-04-07-032

PROJ	ECT LOCA	ATION IN	FORMATION:		
St	ate:	Texas			
	ounty:	Harris			
			te (latitude/longitud		29 42.79N; 95 22.96W
				, including	guplands: 0.001 acres.
N	ame of near	est waterw	/ay: Brays Bayou		
N	ame of wate	ershed:	Buffalo Bayou		
-			RMINATION		
C	ompleted:	Desktop	determination	\boxtimes	Date: 24 September 2004
		Site visite	(s)		Date(s):
Ju	risdictiona	d Determi	nation (JD):		
Г	Prelimin	arv ID - R	ased on available in	formation	there appear to be (or) there appear to be no "waters of the
E.S.					nited States" on the project site. A preliminary JD is not appealable
			part 331).	3 Of the O	inited states on the project site. A premimary 1D is not appearable
	(Referen	ce 33 Ci K	purt 551).		
Г	Approve	d ID – An	approved ID is an a	nnealable	action (Reference 33 CFR part 331).
•		I that apply	* *	.ppcu.uo.c	addon (Notoronoc 33 of R part 331).
		· ····································	, •		
	☐ There	are "navi	gable waters of the	United Sta	ites" (as defined by 33 CFR part 329 and associated guidance) within
			Approximate size o		
			F.F	J	
	▼ There	are "wate	ers of the United Sta	tes" (as de	efined by 33 CFR part 328 and associated guidance) within the
			proximate size of ju		
		• •	,		
	☐ There	are "isolo	ated, non-navigable	, intra-stat	te waters or wetlands" within the reviewed area.
					NCC/Migratory Bird Rule Information Sheet for Determination of No
		******	Jurisdiction.	-	
BASIS			NAL DETERMINA		
A.					vigable waters of the United States":
	The prese	nce of wat	ers that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
	the past,	or may be	susceptible for use !	to transpor	t interstate or foreign commerce.
<u>B.</u>					"waters of the United States":
					sed, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
			interstate waters in		
					e lakes, rivers, streams (including intermittent streams), mudflats,
					meadows, playa lakes, or natural ponds, the use, degradation or
					erce including any such waters (check all that apply):
					r foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
					purposes by industries in interstate commerce.
ᆜ			of waters otherwise		
빌	_			er identifie	ed in (1) – (4) above.
	(6) The p	resence of	territorial seas.		
Ш	(7) The p	resence of	wetlands adjacent ²	to other wa	aters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La	FILE NUMBER: \$\omega \omega \o
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
\boxtimes	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTR FILE	NUMBER: SWG-04-07- 0045 0 4 5
St Co Co A _I Na	ECT LOCATION INFORMATION: ate: Texas bunty: Harris enter coordinates of site (latitude/longitude): Lat: 29.39.54 Long: 95.18.15 approximate size of area (parcel) reviewed, including uplands: 0.004 acres. ume of nearest waterway: Sims Bayou ume of watershed: Buffalo- San Jacinto
	DICTIONAL DETERMINATION ompleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural pends the use degradation or

s, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: □ other: □ others
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (clease specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.